

HOUSE JOURNAL

SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-NINTH DAY (CONTINUED) — SATURDAY, MAY 10, 1997

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 371).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Junell; Kamel; Rabuck; Roman.

Absent — Hinojosa; Solomons.

The invocation was offered by Carrol Smith, Chaplain, Austin State School, Austin, as follows:

Almighty God, in this place I sense an awesome atmosphere of power. As these members legislate the use of this power may each of us always remember that all power comes from God for the good of all people. As individuals may we never lose the power of our own personal convictions.

Bless these people and their families with an awareness of gratitude and appreciation for the work they do.

In your name we pray, amen.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today to attend a funeral:

Roman on motion of Keel.

The following members were granted leaves of absence for today because of important business:

Rabuck on motion of Howard.

Kamel on motion of Keel.

The following member was granted leave of absence for today because of important business in the district:

Junell on motion of Keel.

CAPITOL PHYSICIAN

The speaker recognized Representative Jackson who presented Dr. P. J. Mock of La Porte as the "Doctor for the Day."

The house welcomed Dr. Mock and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 52, Senate List No. 22).

HR 867 - ADOPTED (by Pitts)

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 867**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 867, Welcoming Dian Hawkins Schneider to the Capitol.

HR 867 was read and was adopted without objection.

On motion of Representative Maxey, the names of all the members of the house were added to **HR 867** as signers thereof.

HR 830 - ADOPTED (by Edwards)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 830**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 830, In memory of Corporal Roel Garcia.

HR 830 was unanimously adopted by a rising vote.

(Solomons now present)

HR 872 - ADOPTED (by Wise)

Representative Wise moved to suspend all necessary rules to take up and consider at this time **HR 872**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 872, Honoring Marcelino Casas, Sr., on the occasion of his retirement.

HR 872 was adopted without objection.

On motion of Representative Edwards, the names of all the members of the house were added to **HR 872** as signers thereof.

HR 874 - ADOPTED
(by Wise)

Representative Wise moved to suspend all necessary rules to take up and consider at this time **HR 874**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 874, Honoring Camp Charles F. Perry on its 70th anniversary.

HR 874 was adopted without objection.

On motion of Representative Edwards, the names of all the members of the house were added to **HR 874** as signers thereof.

(Speaker pro tempore in the chair)

HR 877 - ADOPTED
(by Pickett)

Representative Pickett moved to suspend all necessary rules to take up and consider at this time **HR 877**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HR 877, Congratulating Terry Williams on his receipt of Jim Whatley Building Official of the Year Award.

HR 877 was adopted without objection.

CONGRATULATORY AND MEMORIAL CALENDAR

The chair laid before the house the following memorial resolutions:

HR 613 (by Keel), In memory of E. L. "Bo" Lambright.

HR 631 (by Smithee), In memory of Esther L. Plank.

HR 632 (by Shields), In memory of Jiovanni Batista "John" Zito.

HR 687 (by Hilderbran), In memory of Dorothy Helen Chandler Leonard.

HR 692 was withdrawn.

HR 694 (by Edwards), In memory of Deputy Rudy M. Gonzales.

HR 695 (by Edwards), In memory of Deputy Ramiro Perez, Jr.

HR 696 (by Edwards), In memory of Officer Gary Bryant.

HR 697 (by Edwards), In memory of Deputy Wilburn Agy.

HR 698 (by Edwards), In memory of Officer Drew Alan Bolin.

HR 699 (by Edwards), In memory of Patrolman Michael C. McInnis.

HR 700 (by Edwards), In memory of Officer Dawn Erickson.

HR 701 (by Edwards), In memory of Deputy Tom Sitton.

HR 702 (by Edwards), In memory of Constable Roy V. Richardson.

HR 703 (by Edwards), In memory of Deputy Douglas John Noll.

HR 704 (by Edwards), In memory of Deputy James Robert Allman.

HR 705 (by Edwards), In memory of Corporal Richard D. Barreda.

HR 706 (by Edwards), In memory of Trooper Timothy Wade McDermott.

HR 707 (by Edwards), In memory of Deputy Randolph Michael Eng.

HR 714 (by Smithee), In memory of Seth Chalk Guest.

The resolutions were unanimously adopted by a rising vote.

The chair laid before the house the following congratulatory resolutions:

HCR 226 (by Wise), Commending Weslaco's designation as a Main Street City.

HCR 227 (by Kubiak), Honoring Calvin A. Rinn on the occasion of his retirement.

HR 616 (by Alexander), Congratulating Winston and Velma West on the occasion of their 50th wedding anniversary.

HR 625 (by Woolley), Congratulating Anthony Richard Hagale on attaining the rank of Eagle Scout.

HR 629 (by Smithee), Honoring Craig Trammell for his heroic actions.

HR 630 (by Smithee), Congratulating Charles Richard "C. R." Walser on the occasion of his 109th birthday.

HR 635 (by Flores), Honoring E. B. Reyna Elementary School for its outstanding service to the schoolchildren of the La Joya Independent School District.

HR 675 (by Clark), Congratulating Janice Bryant on being named Executive Director/Administrator of the Year by the Texas & New Mexico Hospice Organization.

HR 678 was withdrawn.

HR 711 (by Flores), Honoring Judge Sallie Gonzalez for her contributions to the community.

The resolutions were adopted without objection.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR
LOCAL CALENDAR
SECOND READING

The following bills were laid before the house, read second time, and passed to third reading (members registering votes are shown following the caption):

CSHB 3567 (by Raymond), A bill to be entitled An Act relating to the addition of territory to, the board of directors of, and disannexation procedures for the Duval County Conservation and Reclamation District.

HB 3574 (by R. Lewis), A bill to be entitled An Act relating to the election and terms of office of directors of the Jefferson County Water Control and Improvement District No. 10.

HB 3579 (by Zbranek), A bill to be entitled An Act relating to the creation, administration, powers, and authority of the Chambers County-Cedar Bayou Navigation District.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Walker, Representative Zbranek offered the following committee amendment to **HB 3579**:

Amend **HB 3579** as follows:

On page nine, line 17 strike the following between the closing parentheses and the period,

"and the operations of the district are considered essential governmental functions and not proprietary functions for all purposes, including the application of the Texas Tort Claims Act".

Amendment No. 1 was adopted without objection.

HB 3586 (by Eiland), A bill to be entitled An Act relating to the election of the board of supervisors of the Clear Creek Drainage District of Galveston County.

HB 3590 (by Hawley), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the San Patricio Groundwater Conservation District.

HB 3591 (by Kamel and Glaze), A bill to be entitled An Act relating to the authority of the Smith County Juvenile Board to accept gifts and grants.

HB 3592 (by Madden), A bill to be entitled An Act relating to the terms of the directors of the Seis Lagos Utility District.

HB 3594 (by Nixon), A bill to be entitled An Act relating to granting additional powers to the Westchase District, formerly known as the Westchase Area Management District.

HB 3606 was withdrawn.

**CONSENT CALENDAR
SECOND READING**

The following bills were laid before the house, read second time, and passed to third reading (members registering votes are shown following the caption):

HB 130 (by Pitts), A bill to be entitled An Act relating to the authority of the commissioners court of a county to alter speed limits on county roads.

HB 135 (by West and Bailey), A bill to be entitled An Act relating to designating peace officers to serve as notaries public. (Hefflin recorded voting no)

CSHB 308 (by Goodman, Naishtat, and McClendon), A bill to be entitled An Act relating to the authority to issue protective orders.

CSHB 405 (by West), A bill to be entitled An Act relating to restricting certain recreational amenities available to inmates imprisoned in the institutional division of the Texas Department of Criminal Justice.

CSHB 422 (by Farrar), A bill to be entitled An Act relating to the regulation by the Texas Transportation Commission of fences along a road or highway in the state highway system in certain municipalities; providing a criminal penalty.

HB 616 was withdrawn and, pursuant to Rule 6, Section 24, of the House Rules, was returned to the Committee on Calendars.

HB 640 (by Kamel, Bailey, Cuellar, Solis, and E. Reyna), A bill to be entitled An Act relating to exempting peace officers disabled in the line of duty from tuition and fees charged by a public institution of higher education.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Solis, Representative E. Reyna offered the following committee amendment to **HB 640**:

Amend **HB 640** as follows:

(1) On page 1, line 11, strike "semester or session" and substitute "course for which space is available".

(2) On page 2, between lines 22 and 23, insert the following subsections:

(g) In this section, "injury suffered during the performance of a duty as a peace officer" means an injury occurring as a result of the peace officer's performance of any of the following law enforcement duties:

(1) traffic enforcement or traffic control duties, including enforcement of traffic laws, investigation of vehicle accidents, or directing traffic;

(2) pursuit, arrest, or search of a person reasonably believed to have violated a law;

(3) investigation, including undercover investigation, of a criminal act;

(4) patrol duties, including automobile, bicycle, foot, air, or horse patrol;

(5) duties related to the transfer of prisoners; or

(6) training duties, including participation in any training required by the officer's employer or supervisor or by the Commission on Law Enforcement Officer Standards and Education.

(h) For the purpose of this section, a peace officer is considered permanently disabled only if the chief administrative officer of the law enforcement agency or other entity that employed the officer at the time of the injury determines the officer is permanently disabled and satisfies any requirement of an institution under Subsection (e).

Amendment No. 1 was adopted without objection.

HB 754 (by Denny), A bill to be entitled An Act relating to the making and reporting of certain political contributions and expenditures.

CSHB 827 (by B. Turner), A bill to be entitled An Act relating to hunting and fishing licenses for certain disabled veterans.

HB 837 (by West), A bill to be entitled An Act relating to the disposition of stolen property pending the trial of an offense involving the theft of the property.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Talton, Representative West offered the following committee amendment to **HB 837**:

Amend **HB 837** on page 2 by striking lines 1 and 2 and substituting "court if necessary for evidentiary purposes."

Amendment No. 1 was adopted without objection.

CSHB 844 (by McReynolds, et al.), A bill to be entitled An Act relating to the creation of the office of district attorney for Judicial District 1-A and to the abolition of the jurisdiction of the district attorney for the 1st Judicial District in Newton County.

Amendment No. 1

Representative R. Lewis offered the following amendment to **CSHB 844**:

Amend **CSHB 844** as follows:

On page 1, line 22, insert Subsection (c) to read:

(c) No county funds shall be expended for the purpose of establishing the office of district attorney for Judicial District 1-A without approval of a majority of the commissioners court.

Amendment No. 1 was adopted without objection.

CSHB 877 (by Naishtat, Keel, et al.), A bill to be entitled An Act relating to notifying a victim of a criminal offense of the escape or release of the defendant convicted of the offense committed against the victim.

HB 881 (by A. Reyna), A bill to be entitled An Act relating to the priority of payment of claims against a decedent's estate.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Solis, Representative A. Reyna offered the following committee amendment to **HB 881**:

Amend **HB 881** as follows:

(1) On page 1, strike lines 10-13 and substitute the following:

(1) Funeral expenses and expenses of last sickness, in an amount not to exceed Fifteen ~~[Five]~~ Thousand Dollars.

(2) On page 2, line 4, strike "Thirty" and substitute "Fifteen".

Amendment No. 1 was adopted without objection.

HB 932 (by Maxey), A bill to be entitled An Act relating to the manner in which salaries are paid to certain employees of the Texas School for the Deaf.

HB 972 (by J. Jones), A bill to be entitled An Act relating to systems for providing access to driver's license record information held by the Department of Public Safety. (Finnell, Heflin, Holzheuser, Horn, Howard, and Solomons recorded voting no)

HB 1043 was withdrawn.

HB 1048 (by Gutierrez, Flores, and Solis), A bill to be entitled An Act relating to the civil and criminal consequences of a conviction for certain offenses involving a fictitious motor vehicle license plate, registration insignia, or safety inspection certificate.

CSHB 1192 (by Rhodes), A bill to be entitled An Act relating to the duties of law enforcement agencies to enforce protective orders.

CSHB 1317 (by Naishtat), A bill to be entitled An Act relating to the guardianship of missing persons and receiverships for the estate of certain missing persons.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Moreno on motion of Berlanga.

CONSENT CALENDAR (consideration continued)

CSHB 1333 (by Hochberg, Naishtat, et al.), A bill to be entitled An Act relating to the punishment for an offense motivated by bias or prejudice.

(Hinojosa now present)

CSHB 1468 (by West), A bill to be entitled An Act relating to the Ector County Independent School District model career-targeted transition program. (Howard recorded voting no)

CSHB 1510 (by Serna), A bill to be entitled An Act relating to jurisdiction of certain counties for purposes of subdivision platting requirements.

HB 1514 was withdrawn.

HB 1543 was withdrawn.

CSHB 1572 (by Davila), A bill to be entitled An Act relating to disposal of certain property by a charitable organization.

CSHB 1606 (by Hartnett), A bill to be entitled An Act relating to truant conduct or conduct resulting in a failure to attend school.

HB 1670 (by Wohlgemuth, Brimer, and Puente), A bill to be entitled An Act relating to the establishment of a comprehensive plan by a municipality.

Representative Wohlgemuth moved to postpone consideration of **HB 1670** until 10 a.m. Monday, May 12.

The motion prevailed without objection.

HB 1672 (by Janek), A bill to be entitled An Act relating to the requirements of a price list and a memorandum for funeral merchandise and services.

Amendment No. 1

On behalf of Representative Janek, Representative Eiland offered the following amendment to **HB 1672**:

Amend **HB 1672** as follows:

(1) On page 1, strike lines 18-24 and substitute:

"number of the funeral establishment, the effective date for the stated prices, and the following printed notice: "The goods and services shown below are those we can provide to our customers. You may choose only the items you desire. However, any funeral arrangements you select will include a charge for our basic services and overhead. If legal or other requirements mean you must buy any items you did not specifically ask for, we will explain the reason in writing on the statement we provide describing the funeral goods and services you selected." [~~"You may choose only the items you desire. If you are charged for items you did not specifically request, we will explain the reason for the charges on the written memorandum. Please note that there may be charges for items such as cemetery fees, flowers, and newspaper notices."~~]"

(2) On page 2, strike lines 9-13 and substitute:

telephone number of the funeral establishment and the following printed notice: "Charges are only for those items that you selected or that are required. If we are required by law or by a cemetery or crematory to use any items, we will explain the reasons in writing below." [~~"Charges are made only for items that are used. If the type of funeral selected requires extra items, we will explain the reasons for the extra items in writing on this memorandum."~~] The memorandum must include the name, mailing

Amendment No. 1 was adopted without objection.

HB 1684 (by Clark), A bill to be entitled An Act relating to circumstances in which less than the whole number of a jury may render a verdict in a criminal case.

CSHB 1882 (by Averitt), A bill to be entitled An Act relating to the financing of certain eligible projects for criminal justice purposes.

HB 1912 (by Wise), A bill to be entitled An Act relating to the reporting of certain information to the national crime information center.

HB 1918 (by Madden), A bill to be entitled An Act relating to the elimination of unnecessary county election precincts.

HB 2065 (by King), A bill to be entitled An Act relating to the statistical recording of juvenile cases initially referred to the office of the prosecuting attorney.

CSHB 2084 (by Hilderbran and Naishtat), A bill to be entitled An Act relating to the establishment of a pilot project in which vouchers are used for payment of certain health care services.

HB 2086 (by Palmer), A bill to be entitled An Act relating to the operation of charitable bingo games.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Kubiak, Representative Palmer offered the following committee amendment to **HB 2086**:

Amend **HB 2086** by inserting the following appropriately numbered section in the bill and renumbering the remaining sections of the bill accordingly:

SECTION _____. The Bingo Enabling Act (Article 179d, Vernon's Texas Civil Statutes) is amended by adding Section 44 to read as follows:

(c) The commission may not require a person who has held a license for five or more years to complete an application for the renewal of the license that is more than two pages in length. The commission shall adopt renewal forms that have reasonable sized pages and reasonable sized print.

Amendment No. 1 was adopted without objection.

HB 2096 (by Uher), A bill to be entitled An Act relating to the selection of depositories by navigation districts and port authorities.

CSHB 2125 (by Maxey), A bill to be entitled An Act relating to creation of a pilot program to establish individual development accounts for certain recipients of financial assistance.

CSHB 2221 (by B. Turner), A bill to be entitled An Act relating to limitations on the amount of life insurance risk that may be written by certain agents of or assumed by a stipulated premium insurance company.

Amendment No. 1

On behalf of Representative Carter, Representative B. Turner offered the following amendment to **CSHB 2221**:

Amend **CSHB 2221** by striking Section 7 thereof in its entirety and substituting in lieu thereof the following:

"SECTION 7. (a) This Act takes effect September 1, 1997, and applies only to an insurance policy that is delivered, issued for delivery, or renewed on or after that date. A policy that is delivered, issued for delivery, or renewed before September 1, 1997, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) For purposes of this section, an insurance policy is considered renewed on the date that the policyholder makes a payment of a premium on the policy."

Amendment No. 1 was adopted without objection.

CSHB 2272 (by Thompson), A bill to be entitled An Act relating to certain court costs a person convicted of certain offenses is required to pay.

HB 2283 (by Farrar), A bill to be entitled An Act relating to the creation of an offense prohibiting sexual activity between certain public servants and persons in custody.

SB 644 (Berlanga - House Sponsor), in lieu of **HB 2344**, A bill to be entitled An Act relating to the regulation of certain air ambulance companies.

Amendment No. 1

On behalf of Representative Gutierrez, Representative Maxey offered the following amendment to **SB 644**:

Amend **SB 644** as follows:

(1) On page 1, line 7, after "stretcher", insert "and that holds itself out as an air ambulance service";

(2) On page 1, line 22, following the period, insert:

"This subsection does not prohibit an air ambulance company with multiple locations from listing those locations in advertising, provided that the air ambulance company meets all the provisions of this Act."

(3) On page 1, after line 22, insert new subsections (e) and (f) to read as follows:

(e) An air ambulance company that is not located in this state and that advertises within this state must have at least one physical location in this state.

(f) This section does not require an air transportation provider to be licensed if, in addition to the company's normal air transportation service, the air transportation company provides only voluntary, mercy-flight transportation at the company's own expense.

Amendment No. 1 was adopted without objection.

Representative Maxey moved to lay **HB 2344** on the table subject to call.

The motion prevailed without objection.

HB 2345 (by Hightower), A bill to be entitled An Act relating to the authority of a general-law municipality to annex additional areas.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Bosse, Representative Hightower offered the following committee amendment to **HB 2345**:

In **HB 2345** strike (1) in Sec. 43.034 on lines 12-13 and insert the following:

(1) the municipality has a population of 700-1,000, part of whose boundary is part of the shoreline of a lake whose normal surface area is 75,000 acres or greater and which is located completely within the State of Texas;

Amendment No. 1 was adopted without objection.

HB 2421 (by Counts), A bill to be entitled An Act relating to limiting the liability of the State Commission on Judicial Conduct.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Hilbert, Representative Counts offered the following committee amendment to **HB 2421**:

Amend **HB 2421** by striking lines 7-11 and replacing with:

Sec. 33.035. IMMUNITY. (a) A public member of the commission is not

liable for any damages for an act or omission in the course of the official duties of the commission.

(b) Subsection (a) shall not limit the liability of a public member of the commission for any act or omission in bad faith or involving gross negligence, intentional misconduct, or a knowing violation of the law.

Amendment No. 1 was adopted without objection.

CSHB 2431 (by Kamel), A bill to be entitled An Act relating to the duties of a court clerk with respect to certain criminal matters.

CSHB 2472 (by Maxey), A bill to be entitled An Act relating to the reporting of certain injuries to the Texas Department of Health. (Finnell and Howard recorded voting no)

CSHB 2493 (by Maxey), A bill to be entitled An Act relating to accessibility by persons with mobility impairments to buildings leased by or built for the state.

HB 2502 (by Elkins), A bill to be entitled An Act relating to the venue for prosecution of the offense of failing or refusing to pay the toll imposed for the operation of a motor vehicle on a toll project of certain counties.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Hinojosa, Representative Elkins offered the following committee amendment to **HB 2502**:

Amend **HB 2502** in SECTION 1, Section 284.070, Transportation Code, by adding the following language at the beginning of subsection (d):

(d) In a county with a population over 2.8 million, ~~An~~ an

Amendment No. 1 was adopted without objection.

HB 2615 (by Mowery), A bill to be entitled An Act relating to certain findings concerning an allegation of child abuse or neglect in a suit affecting the parent-child relationship.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Goodman, Representative Mowery offered the following committee amendment to **HB 2615**:

Amend **HB 2615** to read as follows:

(1) On page 1, line 7, strike "shall" and substitute "may".

(2) On page 1, line 13, add new SECTION as follows:

Section 153.013, Family Code, is amended by adding a new Subsection (c) to read as follows:

(c) If the court makes a finding under Subsection (a), the court shall impose a civil penalty not to exceed \$500.00.

(3) On page 1, line 13, strike "2" and substitute "3".

(4) On page 1, line 19, strike "3" and substitute "4".

Amendment No. 1 was adopted without objection.

HB 2616 was withdrawn.

CSHB 2618 (by Naishtat), A bill to be entitled An Act relating to disciplinary proceedings and investigation of a complaint against a social worker.

CSHB 2693 (by Serna), A bill to be entitled An Act relating to the development of information to identify missing persons.

HB 2697 (by Gallego and Thompson), A bill to be entitled An Act relating to the salary from the state of a district judge who serves as a local administrative district judge.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Thompson, Representative Gallego offered the following committee amendment to **HB 2697**:

Amend **HB 2697** on page 2, strike lines 7 through 10, and substitute the following:

"(d) In a county with more than five district courts, a district judge who serves as a local administrative district judge under Section 74.091 is entitled to an annual salary from the state that is \$5,000 more than the salary from the state to which the judge is otherwise entitled under Subsection (c)."

Amendment No. 1 was adopted without objection.

HB 2784 (by Denny), A bill to be entitled An Act relating to the filling of a vacancy in a nomination of a political party.

HB 2805 was withdrawn.

CSHB 2868 (by Bonnen), A bill to be entitled An Act relating to a master drainage plan for certain counties.

HB 2880 (by Carter), A bill to be entitled An Act relating to regulation by the Board of Private Investigators and Private Security Agencies.

HB 2897 (by Crabb), A bill to be entitled An Act relating to the punishment for the offense of burglary of a rail car.

HB 2899 (by Crabb), A bill to be entitled An Act relating to the development of information to identify missing children or persons.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Oakley, Representative Crabb offered the following committee amendment to **HB 2899**:

Amend **HB 2899** as follows:

(1) On page 11, lines 25-26, strike "issue a death certificate and file the certificate with the vital statistics division of the Texas Department of Human Resources" and substitute "complete and file a death certificate in accordance with Chapter 193, Health and Safety Code".

(2) On page 12, line 3, strike "issues" and substitute "files".

Amendment No. 1 was adopted without objection.

HB 2944 (by Sadler), A bill to be entitled An Act relating to designating the Texas State Technical College System extension center in the city of Marshall as a campus of the system.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Solis, Representative Sadler offered the following committee amendment to **HB 2944**:

Amend **HB 2944** on page 2, line 6, by striking SECTION 3 and substituting the following:

SECTION 3. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 1997.

(b) Sections 1 and 2 of this Act take effect on the earliest date on or after September 1, 1997, on which the designation of the Texas State Technical College System extension center in the city of Marshall as a campus of that system, as provided by Section 1 of this Act, is approved by the Texas Higher Education Coordinating Board. The coordinating board shall approve the designation of that extension center as a campus of the system if the coordinating board determines that the designation is in the best interest of the system and this state. If the coordinating board does not approve that designation on or before September 1, 2001, Sections 1 and 2 of this Act expire and have no effect.

Amendment No. 1 was adopted without objection.

HB 2958 (by Farrar), A bill to be entitled An Act relating to the release of certain information contained in a criminal defendant's presentence or postsentence report.

HB 2971 (by Madden), A bill to be entitled An Act relating to the meaning of a relationship involving marriage for purposes of laws governing the conduct of an election.

HB 3018 (by Allen), A bill to be entitled An Act relating to the commissioning of peace officers by the commissioner of human services for purposes of fraud investigation and control. (Finnell and Heflin recorded voting no)

HB 3048 (by Hodge), A bill to be entitled An Act relating to the application of certain laws prohibiting employment discrimination.

CSHB 3087 (by Hartnett), A bill to be entitled An Act relating to the protection of defendants against vexatious litigants.

HB 3100 (by J. Jones and Chavez), A bill to be entitled An Act relating to rights of the elderly.

HB 3101 (by J. Jones), A bill to be entitled An Act relating to reimbursement of the Texas Department of Human Services from an inmate's trust fund.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Edwards, Representative McClendon offered the following committee amendment to **HB 3101**:

Amend **HB 3101** as follows:

(1) On page 1, line 10 insert the following after the word "assistance" and before the word "provided" the following: "for the child's health needs".

(2) On page 2, line 1 insert the following after the word "assistance" and before the word "provided" the following: "for the child's health needs".

Amendment No. 1 was adopted without objection.

HB 3229 (by Oakley), A bill to be entitled An Act relating to the appointment of criminal law magistrates in Kaufman County.

CSHB 3240 (by Hilderbran), A bill to be entitled An Act relating to the disannexation of an area by a general-law municipality.

SB 1394 (Hamric - House Sponsor), in lieu of **HB 3376**, A bill to be entitled An Act relating to the authority of a municipality to require a building permit for construction and renovation work on county-owned buildings and facilities by certain counties.

Representative Hamric moved to lay **HB 3376** on the table subject to call.

The motion prevailed without objection.

CSHB 3377 (by Hinojosa and Swinford), A bill to be entitled An Act relating to prima facie evidence of the offense of theft by check.

Amendment No. 1

On behalf of Representative Gutierrez, Representative Hinojosa offered the following amendment to **CSHB 3377**:

Amend **CSHB 3377** as follows:

(1) In SECTION 1 (page 1, line 5, committee printing), after "Subsection (a)" delete "and adding Subsection(g)".

(2) In SECTION 1, Subsection (a) of Section 31.06, Penal Code (page 1, lines 7-8, committee printing), after "money," strike "regardless of whether" and substitute "within seven days of when".

(3) In SECTION 1, Subsection (a) of Section 31.06, Penal Code (page 1, line 8, committee printing), after "property" strike "contemporaneous to issuing or passing the check or sight order".

(4) In SECTION 1, strike added Subsection (g) of Section 31.06, Penal Code (page 2, lines 2-7, committee printing).

Amendment No. 1 was adopted without objection.

CSHB 3387 (by Gallego), A bill to be entitled An Act relating to the duties and operations of a watermaster's office, reimbursement of the Texas Natural Resource Conservation Commission for the compensation and necessary expenses of a watermaster's office, and creation of the watermaster fund.

Representative Gallego moved to postpone consideration of **CSHB 3387** until 10 a.m. Tuesday, May 13.

The motion prevailed without objection.

SB 26 (Williams - House Sponsor), in lieu of **HB 3561**, A bill to be entitled An Act relating to the Town Center Improvement District of

Montgomery County, Texas; authorizing a tax and granting the authority to issue bonds. (Horn recorded voting no)

Representative Williams moved to lay **HB 3561** on the table subject to call.

The motion prevailed without objection.

CSHB 3563 (by Smithee), A bill to be entitled An Act relating to procedures to issue rental car companies limited licenses as insurance agents.

HB 3583 (by Kubiak), A bill to be entitled An Act relating to zoning around Lake Somerville.

CSHB 3587 (by Hirschi and Finnell), A bill to be entitled An Act relating to the acquisition or lease of hospital facilities by certain county-municipality hospital boards.

CSHB 3589 (by Keel), A bill to be entitled An Act relating to authorizing Lakeway Municipal Utility District to exclude land from its boundaries, providing notice of the exclusion, and adding other related provisions.

HB 3602 (by King and Raymond), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Wintergarden Groundwater Conservation District.

Amendment No. 1

Representative King offered the following amendment to **HB 3602**:

Amend **HB 3602** on page 3, line 1, between "Bustamante" and ";", by inserting "Jr.".

Amendment No. 1 was adopted without objection.

HB 3607 (by Counts), A bill to be entitled An Act relating to validating certain acts of the Garza County Underground and Fresh Water Conservation District.

RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

HCR 82 (by Carter), Declaring the chiltepin the official State Native Pepper of Texas.

HCR 82 was adopted without objection.

CSHCR 176 (by Palmer and Chavez), Encouraging the Department of Public Safety of the State of Texas to publicize the Texas Commission on the Arts license plate program.

CSHCR 176 was adopted without objection.

HCR 209 (by Delisi), Supporting the desire of the board of regents of the Texas A&M University System to combine the Baylor College of Dentistry, the Texas A&M University College of Medicine, the Texas A&M University Institute of Biosciences and Biotechnology, and the Texas A&M University School of Rural Public Health into a unified administrative structure to be named the Texas A&M University System Health Science Center.

HCR 209 was adopted without objection.

HCR 215 (by Delisi), Directing the Health and Human Services Commission to implement cost-saving measures in the Medicaid prescription drug program.

HCR 215 was adopted without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Judicial Affairs, on adjournment today, Desk 67, to consider **HB 3608**, **SB 743**, and **SB 1417**.

Select Committee on Revenue and Public Education Funding, on adjournment today, Desk 102, to consider **SJR 43** and **SB 841**.

Energy Resources, on adjournment today, Desk 18, to consider **SB 925**.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

ADJOURNMENT

Representative Cook moved that the house adjourn until 11:50 a.m.

The motion prevailed without objection.

The house accordingly, at 11:31 a.m., adjourned until 11:50 a.m.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 52

HB 16, HB 35, HB 101, HB 197, HB 320, HB 327, HB 384, HB 449, HB 485, HB 501, HB 581, HB 641, HB 646, HB 699, HB 736, HB 791, HB 922, HB 1025, HB 1050, HB 1312, HB 1532, HB 1545, HB 1901, HB 1902, HB 1999, HB 2015, HB 2193, HB 2373, HCR 207, HCR 233

Senate List No. 22

SB 330, SB 715, SB 884, SB 898, SB 900, SB 1422, SB 1490, SB 1751

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Saturday, May 10, 1997

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 4 Craddick SPONSOR: Armbrister
Relating to funding public elementary and secondary schools and providing property tax relief and equity and to the imposition, administration, enforcement, and collection of, and allocation of the revenue from, various state and local taxes; providing penalties; making an appropriation.
(COMMITTEE SUBSTITUTE/AMENDED)

HJR 4 Craddick SPONSOR: Armbrister
Proposing a constitutional amendment providing for certain priority and minimum funding for public schools, dedicating certain lottery proceeds to public education, authorizing certain taxes on entities, authorizing the creation of a commission to study efficiency in state government, and providing for transfer or further reduction of a limitation of school tax on homesteads of the elderly.
(COMMITTEE SUBSTITUTE/AMENDED)

Respectfully,

Betty King
Secretary of the Senate